



# California Regional Water Quality Control Board

## Lahontan Region



Linda S. Adams  
Secretary of  
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
(530) 542-5400 • Fax (530) 544-2271  
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger  
Governor

### MINUTES

March 10, 2010

#### Regular Meeting

The Grumpy Golfer at the  
Green Tree Golf Course Clubhouse  
14144 Green Tree Blvd.  
Victorville, CA 92395

Mr. Clarke, Chair, called the meeting to order at 3:10 p.m. on March 10, 2010.

#### Board Members Present

James W. M. Charlton, Palmdale  
Jack Clarke, Apple Valley  
Mike Dispenza, Palmdale  
Keith Dyas, Rosamond  
Amy Horne, Ph.D., Truckee  
Don Jardine, Markleeville  
Eric Sandel, Truckee

#### Board Member Absent

None

#### Legal Counsel

David Coupe, Office of Chief Counsel, State Water Resources Control Board

#### Staff Present

Harold Singer, Executive Officer	Christy Hunter, Eng. Geologist
Lauri Kemper, Assistant Executive Officer	John Morales, WRCE
Mike Plaziak, Supervising Eng. Geologist	Omar Pacheco, Eng. Geologist
Cindi Mitton, Senior WRCE	Tim Post, Eng. Geologist
Patrice Copeland, Senior Eng. Geologist	Ghasem Pour-ghasemi, WRCE
Laurie Applegate, Executive Assistant	Jan Zimmerman, Eng. Geologist
Brianna Bergen, Eng. Geologist	

#### Addressing the Board

Joan Bird, HelpHinkley.org  
Ingrid Brostrom, Center on Race, Poverty and the Environment  
Robert Conaway  
Norm Diaz, HelpHinkley.org  
Nancy Dittman  
Carmela Gonzalez

California Environmental Protection Agency

Recycled Paper



**Addressing the Board, continued**

Brett Kobold, Lewis Center for Educational Research  
Jeff Meberg, Nursery Products  
Janet Norman, HelpHinkley.org  
Jessie Orr, HelpHinkley.org  
Mark Orr, HelpHinkley.org  
Rick Piercy, Lewis Center for Educational Research  
Andrew Silva, San Bernardino County Supervisor Brad Mitzelfelt  
Steven Smith, HelpHinkley.org  
Wayne Snively, Newberry Springs  
Teresa Williamson, HelpHinkley.org

**INTRODUCTIONS**

**1. PUBLIC FORUM**

Andrew Silva, representing San Bernardino County Supervisor Brad Mitzelfelt, discussed the Lewis Center for Educational Research and the Desert Knolls Wash project. He noted the project is a high priority for Supervisor Mitzelfelt and thanked Board staff for their cooperation.

Rick Piercy, Lewis Center for Educational Research, handed out and discussed information about the Lewis Center for Educational Research and discussed the Desert Knolls Wash project. Mr. Piercy thanked Board staff for their professionalism and encouraged them to continue to interact with the students at the Lewis Center.

Brett Kobold discussed his experiences as a student at the Lewis Center for Educational Research.

**2. MINUTES**

**Minutes of the Regular Meeting of December 9, 2009 in Victorville and South Lake Tahoe (conducted using a combination of video and teleconference equipment connecting the two locations)**

- **Motion:** Moved by Dr. Horne, seconded by Mr. Dispenza and **unanimously carried** to adopt the December 9, 2009 minutes as written. Note: Mr. Dyas abstained from the vote because he did not attend the December meeting.

**3. ADOPTION OF THE UNCONTESTED CALENDAR**

Items 4 and 5 were considered by the Board on the uncontested calendar.

Note: Mr. Singer noted staff received a phone call minutes before the meeting from a woman in the Antelope Valley area who had some concerns regarding Item 4. The woman was unable to make it to the meeting for the afternoon



session but was considering coming for the 7:00 p.m. session. Mr. Singer explained that her concerns appeared to be unrelated to the action being considered by the Board.

- **Motion:** Moved by Mr. Dispenza, seconded by Mr. Dyas to adopt Items 4 and 5 as proposed.

After further discussion, the Board decided to consider Item 5 during the afternoon session and postpone consideration of Item 4 until 7:00 p.m. to provide the interested party with the opportunity to address the Board regarding her concerns.

- **Amended motion:** The motion was amended by Mr. Dispenza with the concurrence of Mr. Dyas to adopt Item 5 as proposed, delaying consideration of Item 4 until 7:00 p.m.

**Motion unanimously carried**

#### **AMENDED WASTE DISCHARGE REQUIREMENTS**

- \*4. **Victor Valley Wastewater Reclamation Authority; Westwinds Golf Course and High Desert Power Project, San Bernardino County (R6V-2003-0028)**

See note under Item 3 above and page 6 of the minutes for Board action on Item 4.

#### **WASTE DISCHARGE REQUIREMENTS**

- \*5. **Resolution Approving an Emergency Conditional Waiver of Statutory Requirements to File a Report of Waste Discharge and to Adopt Waste Discharge Requirements for Management and Disposal of Solid Waste from Wildfires**

See Item 3 for Board action of Item 5.

#### **OTHER BUSINESS**

#### **6. Executive Officer's Report**

Mr. Singer discussed items from the February – March 2010 Executive Officer's Report and answered questions from the Board. Mr. Singer handed out material related to three items: information from Rob Egel of the State Board's Office of Legislative Affairs regarding key Assembly and Senate bills being followed by the State Water Board; a memo from Michael Lauffer of the State Water Board's Office of Chief Counsel regarding the updated Bagley-Keene Open Meeting Act for 2010; and an excerpt from a table produced by the State Water Board as part of the Executive Director's Report providing the Status of Policy and Significant General Permits by Division and Regional Water Board.



In addition to the written material, Mr. Singer discussed issues related to the following subjects:

- Water Quality Certification signed by Mr. Singer for Donner Lake Electric Substation Culvert Installation Project in the Town of Truckee, Nevada County (Truckee Donner Public Utility District)
- China Lake Naval Weapons Station Record of Decision
- A letter sent by Mr. Singer to the USFS-Lake Tahoe Basin Management Unit related to an expired waiver and outlining permitting options.
- South Shore Fuel Reduction Project – The USFS is preparing an EIS; Board staff will prepare a separate EIR. Some work can be performed under the Water Board's timber harvest waiver; some work will need separate Water Board approval. Based on knowledge of the project, staff prepared tentative waste discharge requirements (posted on website). Dr. Horne suggested staff keep the members of the Fire Commission advised of the project's status.
- Mono Lake report (posted on the State Water Board's website). Lahontan staff will review the report.

## 7. Reports by Chair and Board Members

Mr. Sandel voiced concern about the Mono Lake report.

Dr. Horne gave a report about the WQCC subcommittee meeting held via teleconference. As a result of the subcommittee meeting, one day of the next WQCC meeting will be devoted to the implications of new Bay-Delta legislation and one-half day to the State Board's anti-degradation policy.

Mr. Jardine discussed the Carson Water Subconservancy District high school field festival on stewardship of the East Fork of the Carson River. He also noted that Alpine County and the South Tahoe Public Utility District are working on a plan for new monitoring wells in Alpine County.

Mr. Clarke gave a report about the Chair's March conference call.

## 8. Election of Chair and Vice-Chair for 2010

- **Motion:** Moved by Mr. Dispenza, seconded by Mr. Jardine **and unanimously carried** to elect Jack Clarke as Chair for 2010.
- **Motion:** Moved by Mr. Dispenza, seconded by Mr. Dyas **and unanimously carried** to elect Don Jardine as Vice Chair for 2010.

*California Environmental Protection Agency*

*Recycled Paper*



## 9. CLOSED SESSION

The Board met in closed session from 5:00 p.m. to 5:15 p.m. to consider litigation. **Authority:** Government Code Section 11126(e). The Board reconvened in open session at 5:16 p.m.

The Board recessed for dinner at 5:16 p.m.

### Regular Meeting, continued 7:05 p.m., March 10, 2010

Mr. Clarke, Chair, called the meeting to order at 7:05 p.m.

Board members present: James W. M. Charlton, Jack Clarke, Mike Dispenza, Keith Dyas, Amy Horne, Don Jardine, and Eric Sandel. Board members absent: None.

## INTRODUCTIONS

## 10. PUBLIC FORUM

Robert Conaway, Hinkley resident, suggested that with future projects, citizen representatives from interested groups be given the opportunity to sit in when staff considers documents, and/or that documents received by staff be made available for public review. He also suggested that a sign-in procedure be implemented for individuals and lobbyists. He stressed the importance for citizens to have access to all documents received and to have a means for tracking lobbyist influence.

Norm Diaz discussed biosolids and suggested keeping medical and industrial waste separate from household waste. He asked the Board to protect water quality and to use their power to save freshwater for drinking, growing plants, and for future generations.

Carmela Gonzalez, Hinkley resident, asked the Board to hold the May Board meeting in Barstow. Ms. Gonzalez asked for a specific time period at the next meeting to discuss her issues and concerns. Mr. Singer noted he would work with the Chair and staff on a workshop item to give the community an opportunity to address the Board about their concerns.



**AMENDED WASTE DISCHARGE REQUIREMENTS****\*4. Victor Valley Wastewater Reclamation Authority; Westwinds Golf Course and High Desert Power Project, San Bernardino County (R6V-2003-0028)**

Note: This item was postponed from the afternoon session to the evening session to accommodate an interested party who phoned staff prior to the afternoon session with a request to address the Board. For additional information about the uncontested calendar, see Item 3 on pages 2 and 3 of the minutes.

Mr. Clarke asked if there was anyone in the audience who wanted to address the Board on Item 4. Hearing none, Mr. Clarke noted Item 4 would remain on the uncontested calendar.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Sandel **and unanimously carried** to adopt Item 4 as proposed.

**NEW WASTE DISCHARGE REQUIREMENTS****11. Nursery Products; Hawes Composting Facility, San Bernardino County**

Spanish translators were available for this item.

Mr. Clarke read an opening statement.

Mr. Coupe noted that staff received an email from Robert Conaway asking for a disclosure on behalf of Board members pertaining to any contacts with Nursery Products or any individual or entity associated with Nursery Products. Mr. Coupe polled each individual Board member. Board members Eric Sandel, Amy Horne, Mike Dispenza, Keith Dyas, Don Jardine and Jack Clarke stated that they had not contacted nor had they been contacted by Nursery Products. Mr. Clarke disclosed that he received a phone call from the County Supervisor's office asking him why the meeting date had changed from December 2009. He told the caller there had been notification issues and suggested the caller contact staff. Mr. Charlton disclosed that he received a call a few months ago from a person who wanted to discuss Nursery Products. As soon as the caller mentioned Nursery Products, Mr. Charlton referred the caller to Mr. Singer, ending the call.

Brianna Bergen gave the staff presentation. Patrice Copeland responded to written comments and discussed changes in the late revision sheet. Ms. Copeland recommended the Board adopt the waste discharge requirements with the late revisions. Ms. Bergen, Ms. Copeland, Ms. Kemper and Mr. Plaziak answered questions from the Board.



**Addressing the Board:** Jeff Meberg, President, Nursery Products; Norman Diaz, HelpHinkley.org; Ingrid Brostrom, Center on Race, Poverty and the Environment; Joan Bird, HelpHinkley; Robert Conaway, Hinkley resident; Nancy Dittman; Janet Norman, HelpHinkley.org; Jessie Orr, HelpHinkley.org; Steven Smith, HelpHinkley.org; Mark Orr, HelpHinkley.org; Wayne L. Snively, Newberry Springs; Teresa Williamson, HelpHinkley.org.

Board staff answered questions from the Board regarding dust control, monitoring requirements for windrows, storm water issues, self monitoring requirements and oversight, and title 27 standards.

Ms. Kemper noted that members of the public expressed concern about their ability to review reports submitted by the discharger. Ms. Kemper explained that such reports are public documents subject to public review. She noted staff will set up an email subscription list on the Lahontan website for Nursery Products. Interested persons will be able to go to the website and sign up for email notification when reports have been received by staff. The Board's current interested parties mailing list will be used to let people know when the email subscription list has been set up by staff.

Mr. Singer discussed the late revision sheet and discussed two additional changes to the late revision sheet.

### **Board discussion**

Mr. Sandel commented that Board staff had done an excellent job on a difficult issue. He stated that the primary issue remaining was contamination spread by wind and commented that the Board should require the safest possible design and operation of the facility. He felt the facility should be covered and that if permitted, the Order should be for a limited time to allow the Board to assess the actual operation. Mr. Sandel suggested that Nursery Products establish a website with real time video using several cameras, posting monitoring and reporting results.

Mr. Dyas commented that based on what he had read, seen and heard, the waste discharge requirements as amended would protect water quality.

Mr. Dispenza voiced concern about floodwater and Nursery Products' lack of public outreach. He suggested that Nursery Products' representatives talk with the people in the community now, and not wait until the facility has been completed.

Dr. Horne congratulated the Hinkley community for their time, energy and effort in following the project and noted the proposal being considered by the Board was better because of their efforts. She concurred with Mr. Dispenza that Nursery Products should reach out to the Hinkley community now, building relationships and trust. She agreed with Mr. Sandel's suggestions that Nursery



Products establish a website posting monitoring data and that the permit have a limited duration.

Mr. Singer and Mr. Coupe discussed issuance of state permits with a specific expiration date. Mr. Singer noted that if a permit expired on a certain date, the Water Board would need to reissue the permit requiring the use of limited staff resources. He noted another option would be for the Water Board to direct him to provide a status report to the Board. He suggested that the item be publicly noticed to give the community the opportunity to know when the Water Board would hear the status report and that the status report be given six months to a year after the facility has been operating. He noted that after hearing the status report, the Water Board could direct staff to take further action if needed.

Mr. Charlton commended the community of Hinkley for their involvement.

Mr. Clarke commented that groundwater protection was a primary concern and that the Board would be following the project closely.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Dispenza to adopt the waste discharge requirements as amended by the late revision sheet.  
Voting yes: Mr. Dyas, Mr. Dispenza, Mr. Charlton, Mr. Jardine and Mr. Clarke  
Voting no: Mr. Sandel  
Abstaining: Dr. Horne  
**Motion carried 5-1 with 1 abstention**

### **ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 11:00 p.m. on March 10, 2010.

Prepared by: *Laurie Applegate* Adopted: April 14, 2010  
Laurie Applegate, Executive Assistant

